

REMARKS

This is a response to the Office Action dated September 15, 2005. This response is being submitted in order to place the case in condition for allowance.

In the Office Action, the Examiner rejected claims 1-15 under 35 U.S.C. 102 as being anticipated by a patent to Young, et al. In addition, the Examiner rejected claims 1, 7, 9, 11, 15 under 35 U.S.C. 102(e) as being anticipated by Zillinger. Furthermore, the Examiner rejected claims 5 and 11 as being indefinite under §112. Applicant acknowledges the rejection of the Examiner and respectfully traverses.

In the rejection of the Examiner by the patent to Young, et al., the Examiner states that “Young, et al. discloses an apparatus that includes a sub for delivering a gauge down a well bore, comprising: a. a sub body 10, ... b. a chamber formed in the sub body for receiving a gauge therein...” Applicant in its review of Young, et al. notes that both in the drawings, in particular figure 2, and in the specification at column 3, lines 33-35 the patent states “the upper and lower end surfaces 22 and 24 are spaced from one another a distance sufficient to accommodate the length of a cylindrically shaped pressure gauge housing 26. The pressure and temper gauge housing 26...is typically cylindrically shaped and is sized to be received in a lengthwise extending groove 27 that extends inwardly from a surface 19.” This is confirmed in a cross section view in figure 2 showing that there are three housings 26 which are in fact inserted into a groove in the body of the sub and do not appear in the single chamber of Young, et al., i.e. the central chamber of 20. While in the present invention as claimed, there is a flow bore 18 through the body of the sub for allowing fluid to flow through the sub which would be equivalent to flow bore 20 in Young. However, the pressure gauge as seen in figure 2 of the present invention is secured in a second bore 47, which has no fluid contact with the bore through the sub body, and is not simply placed within a groove in the body of the sub. There are preferably three ports 25 which make contact with the gauge as it is secured within the bore 47 while taking the necessary measurements.

Therefore, applicant would assert that independent claims, as amended in the present invention, are not anticipated by the patent to Young, et al. and therefore should be patentable

over that art. Likewise, dependent claims 2-8 as claimed would depend off of a now allowable claim and therefore should be patentable over this prior art as cited by the Examiner.

Turning now to the Zillinger patent, reference is made to the '452 patent, where the Examiner asserts that Zillinger discloses an apparatus wherein there is a chamber 54 formed in the sub body for receiving a gauge therein and at least one port in the sub body in fluent communication with the chamber. However, it should be noted that in Zillinger, like Young, the sub is inserted into the wall of the sub as seen in figure 5 with some threaded members 110 and is not contained within a closed chamber as with the present invention. Furthermore, once in place, the gauge is making fluid contact with the fluid that is traveling through the principle bore 34 which flows through the sub, as opposed to the present invention as claimed wherein the gauge is making contact with the fluid on the outside of the sub either between the wall of the bore hole or a cased bore, through a plurality of ports directed from the outer wall of the chamber into the chamber which houses the gauge. Therefore, applicant would again assert that Zillinger does not teach the present invention as claimed in the independent claims and therefore, likewise, these claims are patentable over the art cited by the Examiner.

The Examiner will note in the amended independent claims that there is claimed a sub body, a separate chamber formed in the sub body and at least one port in the wall of the sub body in fluid communication with the chamber to allow fluid around the sub body to flow in and out of the chamber. The Examiner will note that there is now claimed a flow bore through the sub body for allowing fluid to flow through the sub body in a separate chamber formed in the sub body for receiving a gauge which records conditions within the well bore therein, and that bore makes no fluid contact with the bore through the sub body. And there is claimed a plurality of ports formed in the wall of the sub body allowing fluid from the outside of the sub body to flow in and out of the chamber. This is unlike either of the prior art patents, where first Young, the gauge is simply placed into an indentation in the outer wall of the sub body and is therefore not in a separate chamber and in Zillinger where the gauge is placed within the wall of the sub and makes no contact with the outside of the sub but takes its readings from the fluid flowing through the flow bore 34 within the sub body.